

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

YORAM AVNERI,
Plaintiff

V.

**HARTFORD FIRE INSURANCE
COMPANY,**
Defendant

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CIVIL ACTION NO. 4:17-cv-588

**DEFENDANT HARTFORD FIRE INSURANCE COMPANY'S
NOTICE OF REMOVAL**

Hartford Fire Insurance Company files this Notice of Removal of the lawsuit styled Cause No. CV17-0772; *Yoram Avneri v. Hartford Fire Insurance Company*; In the 43rd Judicial District Court of Parker County, Texas, where the action is now pending, to the United States District Court for the Northern District of Texas, Fort Worth Division pursuant to 28 U.S.C. 1332, 1441, and 1446. In support thereof, there is complete diversity of the parties and the amount in controversy exceeds \$75,000.00.

EXHIBITS

Exhibit A: Index of Documents Filed;

Exhibit B: Certified file from the Parker County District Clerk, containing the Plaintiff's Original Petition, Civil Docket Sheet, Civil Process Request, Defendant Hartford Fire Insurance Company's Original Answer; and

Exhibit C: Certificate of Interested Persons.

INTRODUCTION

Hartford Fire Insurance Company is an insurance company organized under Connecticut law and maintains its principle place of business in Connecticut.

Plaintiff Yoram Avneri (“Avneri”) is an individual residing in Denton County, Texas.

Hartford issued Business Insurance Policy No. 46 UUN KI9032 K2 with effective dates from March 1, 2016, to March 1, 2017, to Yoram Avneri.

Plaintiff Avneri alleges that on or about May 10, 2016, a severe weather event caused substantial damage to property located at 2124 Tin Top Road, Weatherford, Texas 76086 (the “Property”). Plaintiff asserts that the property damage constitutes a covered loss under the Policy issued by Hartford.

Plaintiff made a claim under the Policy, and Hartford assigned an adjuster to the claim who observed no covered damage. Hartford retained an engineer, who after inspecting the Property, confirmed Hartford’s findings of no covered damage.

Plaintiff disagrees, contending the damage to the Property is covered under the Policy. In support of his contention, Plaintiff provided an estimate of damage totaling \$920,840.90 which includes an entire roof replacement as well as replacement of the air conditioning units. Hartford disagrees that this estimate reflects the required repair for covered damages.

Based on the foregoing allegations, Plaintiff has asserted claims against Hartford for negligence, breach of contract, violations of the Texas Deceptive Trade Practices Act, violations of the Texas Insurance Code, and breach of the common law duty of good faith and fair dealing. Plaintiff also contends that Hartford committed the alleged actionable

conduct “knowingly” as that term is defined in the Texas Insurance Code. Accordingly, Plaintiff claims he is entitled to actual damages, treble damages, statutory interest, exemplary damages, attorney’s fees and costs, compensatory damages and contractual damages. Hartford filed a state court general denial to Plaintiff’s claims and allegations on July 12, 2017.

BASIS OF REMOVAL

Plaintiff’s state-court petition and other papers reflect that the amount in controversy exceeds \$75,000.00. Specifically, paragraph 61 of Plaintiff’s Original Petition states “Plaintiff seeks monetary relief, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney’s fees, in excess of \$1,000,000.00.” Further, the lawsuit involves a controversy which is between citizens of different states. As noted, Hartford is organized under Connecticut law, and its principle office is in Connecticut. Plaintiff Yoram Avneri is admittedly a resident of Denton County, Texas.

Because this action is between citizens of different states, and because the amount in controversy exceeds the value or sum of \$75,000.00, exclusive of interest and costs, this Court has original diversity jurisdiction over this case pursuant to 28 U.S.C. § 1332. Under 28 U.S.C. § 1441(a), venue of the removed action is proper in this Court as a district or division embracing the place where the state action is pending. *See* 28 U.S.C. § 124(b)(2).

As reflected in the supporting documents, the time within which Hartford is required to file this Notice of Removal in order to remove this cause to the Court has not yet expired. Additionally, Hartford will promptly file a copy of this Notice of Removal

with the Clerk of Parker County, where the action is currently pending, and serve all adverse parties pursuant to 28 U.S.C. § 1446(d).

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CONCLUSION

Pursuant to 28 U.S.C. § 1446, Hartford Fire Insurance Company removes the case styled Cause No. Cause No. CV17-0772, *Yoram Avneri vs. Hartford Fire Insurance Company*, from the 43rd Judicial District Court of Parker County, Texas to the United States District Court for the Northern District of Texas, Fort Worth Division, on this 20th day of July, 2017.

Respectfully submitted,

By: /s/ Christine Kirchner

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**LOCAL COUNSEL FOR DEFENDANT
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded to the following counsel of record in accordance with the District's ECF service rules and the Federal Rules of Civil Procedure on this 20th day of July, 2017, as follows:

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